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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,718	05/12/2005	Hasdi Matarasso	174.1039	9906
23280	7590	07/26/2006	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			DURAND, PAUL R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/516,718	MATARASSO, HASDI
	Examiner	Art Unit
	Paul Durand	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14, 16-18, 22 and 23 is/are rejected.
- 7) Claim(s) 15 and 19-21 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \*    c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/2/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,6-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson (US 4,169,002).

In claim 1, Larson discloses the invention as claimed including dispensing unit (generally indicated by the two rolls of material next to reference number 14 in figure 2), comprised of two feed rolls, having rows of cells 19, which are filled with air, first and second conveyors 44 and 40, which receives the feed material and holds it in a flat condition prior to filling between the two conveyors, motor 56, air supply (not shown), connected to air pipe 70 and welding unit 81 (see entire document)

In claim 2, Larson discloses the invention as claimed including conveyors 40 and 44, which limit the amount of gas that can be entered into the web 12.

In claim 3, Larson discloses the invention as claimed including motor 56.

In claim 4, Larson discloses the invention as claimed including air pipe 70, positioned to allow the inflation of cells 19 (see Fig. 7).

In claim 6, Larson discloses the invention as claimed including a specified distance, determined by the manufacturer between the two conveyors 40 and 44 (see Fig. 7).

In claim 7, Larson discloses the invention as claimed including the first and second conveyors situated such that the web 12, contacts the conveyors when inflated (see Fig. 7).

In claim 8, Larson discloses the invention as claimed including conveyors 40 and 44, positioned on wither side of the web 12 (see Figs. 6 and 7).

In claim 9, Larson discloses the invention as claimed including heater 81, which is exposed to the web 12 for a shirt time as the web is moved past it.

In claims 10 and 11, discloses the invention as claimed including along welded horizontal line comprised of short horizontal lines (see Fig. 10).

In claim 12, Larson discloses the invention as claimed including die cutter 26 (see Fig. 2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5,13,14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson.

In claim 5, Larson discloses the invention as claimed including supplying pressurized air from a regulated source (see C6,L18-21). What Larson does not disclose is the specific use of a centrifugal blower to supply the air. However, the

examiner takes Official Notice that it is old and well known in the art to utilize a centrifugal blower to supply pressurized air for the purpose of inflating a Dunnage web.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Larson, with a centrifugal blower for the purpose of inflating a Dunnage web.

In claim 13, Larson discloses the invention as claimed except for the specific ability to adjust the conveyor height. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided some sort of adjustability in the conveyors, since it has been held that the provision of adjustability, where needed involves only routine skill in the art. *In re Stevens*, 101 USPQ 284.

In claim 14, Larson discloses the invention as claimed except for the ability to open the first conveyor to feed the material. However, the examiner takes Official Notice that it is old and well known in the art to provide an in feed conveyor, which can be opened for the purpose of feeding material to be processed.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Larson, with an in feed conveyor, which can be opened for the purpose of feeding material to be processed.

In claim 18, Larson discloses the invention as claimed including first and second conveyors 44 and 40. What Larson does not disclose is the use of a third and fourth conveyor. However, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to have provided multiple conveyors, since it has been held that mere duplication of the essential parts of an invention involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

In claims 16 and 17, Larson discloses the invention as claimed including a first belt conveyor 44 and second wheel conveyor (see Fig.7). What Larson does not disclose is the conveyors being composed of a chain, flexible material or roller or plates. However, it would have been obvious matter of design choice to have chosen conveyors to be comprised of wheels, chains, rollers or plates, since applicant has not disclosed that utilizing any types of these conveyors solves any stated problem or is for any particular purpose and it appears the invention would do equally well with a conveyor which uses belts and wheels.

5. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Murakami (US 5,581,983).

Larson discloses the invention as claimed including dispensing unit (generally indicated by the two rolls of material next to reference number 14 in figure 2), comprised of two feed rolls, having rows of cells 19, which are filled with air, first and second conveyors 44 and 40, which receives the feed material and holds it in a flat condition prior to filling between the two conveyors, motor 56, air supply (not shown), connected to air pipe 70 and welding unit 81 (see entire document). What Larson does not disclose is the use of pre-welded material. However, Murakami teaches that it is old and well known in the art to provide a web of pre welded material 13, to a dunnage machine for the purpose of increasing manufacturing throughput (see Figs. 2 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Larson, with a web of pre welded material for the purpose of increasing manufacturing throughput.

***Allowable Subject Matter***

6. Claims 15 and 19-21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

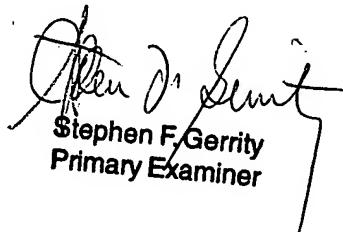
***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 571-272-4459. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Durand  
July 20, 2006

  
Stephen F. Gerrity  
Primary Examiner